



General Assembly

January Session, 2007

***Raised Bill No. 6955***

LCO No. 3450

\*03450\_\_\_\_\_ED\_\*

Referred to Committee on Education

Introduced by:  
(ED)

***AN ACT CONCERNING OPERATOR'S LICENSES BEARING A  
SCHOOL ENDORSEMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-44 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) (1) No person shall operate a commercial motor vehicle used for  
4 passenger transportation on any public highway of this state until [he]  
5 such person has obtained a commercial driver's license with a  
6 passenger endorsement from the commissioner, except a nonresident  
7 who holds such license with such endorsement issued by another state.  
8 (2) No person shall operate a school bus until [he] such person has  
9 obtained a commercial driver's license with a school bus endorsement,  
10 except that a person who holds such a license without such  
11 endorsements may operate a school bus without passengers for the  
12 purpose of road testing or moving the vehicle. (3) No person shall  
13 operate a taxicab, motor vehicle in livery service, motor bus or service  
14 bus until such person has obtained an operator's license bearing an  
15 endorsement of the appropriate type from the commissioner issued in  
16 accordance with the provisions of this section and section 14-36a. (4)

17 No person shall operate a student transportation vehicle, as defined in  
18 section 14-212, activity vehicle [,] or camp vehicle [, taxicab, motor  
19 vehicle in livery service, motor bus or service bus] until [he] such  
20 person has obtained an operator's license bearing an endorsement of  
21 the appropriate type from the commissioner issued in accordance with  
22 the provisions of this section and section 14-36a.

23 (b) No operator's license bearing an endorsement shall be issued or  
24 renewed in accordance with the provisions of this section or section 14-  
25 36a, until the commissioner, or [his] the commissioner's authorized  
26 representative, is satisfied that the applicant is a proper person to  
27 receive such an operator's license bearing an endorsement, holds a  
28 valid motor vehicle operator's license, or, if necessary for the class of  
29 vehicle operated, a commercial driver's license and is at least eighteen  
30 years of age. Each applicant for such a permit, an operator's license  
31 bearing an endorsement or the renewal of such a license shall furnish  
32 the commissioner, or [his] the commissioner's authorized  
33 representative, with satisfactory evidence, which may be required to  
34 be under oath, to prove that [he has] such person: Has no criminal  
35 record, [that he] has not been convicted of a violation of subsection (a)  
36 of section 14-227a within five years of the date of application and that  
37 no reason exists for a refusal to grant or renew such an operator's  
38 license bearing an endorsement. Each applicant for such an operator's  
39 license bearing an endorsement shall submit with [his] the application  
40 proof satisfactory to the commissioner that [he] such applicant has  
41 passed a physical examination [which has been taken within]  
42 administered not more than ninety days prior to [his] the date of  
43 application, and which is in compliance with safety regulations  
44 established from time to time by the United States Department of  
45 Transportation. Each applicant for renewal of such license shall  
46 present evidence that such applicant is in compliance with the medical  
47 qualifications established in 49 CFR 391, as amended. Each applicant  
48 for such an operator's license bearing an endorsement shall be  
49 fingerprinted before the license bearing an endorsement is issued.

50 (c) The commissioner may issue, withhold, renew, suspend, cancel  
51 or revoke, any endorsement required to operate a motor vehicle that  
52 transports passengers, as provided in subsection (c) of section 14-36a.  
53 The commissioner may, in making his decision, consider the age,  
54 accident and criminal record, moral character and physical condition  
55 of any such applicant or endorsement holder and such other matters as  
56 the commissioner may determine. The commissioner may require any  
57 such applicant or endorsement holder to furnish the statements of two  
58 or more reputable citizens, which may be required to be under oath,  
59 vouching for the good character or other qualifications of the applicant  
60 or endorsement holder.

61 (d) Upon the arrest of any person who holds an operator's license  
62 bearing a school endorsement charged with a felony or violation of  
63 section 53a-73a, the arresting officer or department, within forty-eight  
64 hours, shall cause a report of such arrest to be made to the  
65 commissioner. The report shall be made on a form approved by the  
66 commissioner containing such information as the commissioner  
67 prescribes. The commissioner may adopt regulations, in accordance  
68 with chapter 54, to implement the provisions of this subsection.

69 (e) Prior to issuing an operator's license bearing a school  
70 endorsement or bearing the appropriate type of endorsement for  
71 operation of a student transportation vehicle pursuant to subdivision  
72 (4) of subsection (a) of this section, the commissioner shall require each  
73 applicant to submit to state and national criminal history records  
74 checks, and a check of the state child abuse registry established  
75 pursuant to section 17a-101k for perpetrator information. The criminal  
76 history records checks required pursuant to this subsection shall be  
77 conducted in accordance with section 29-17a. If notice of a state  
78 criminal history record or notification that the applicant is listed as a  
79 perpetrator of abuse on the state child abuse registry established  
80 pursuant to section 17a-101k is received, the commissioner may refuse  
81 to issue an operator's license bearing such an endorsement and, in such  
82 case, shall immediately notify the applicant, in writing, of such refusal.

83 Subject to the provisions of section 46a-80, if notice of a national  
84 criminal history record or notification that the applicant is listed as a  
85 perpetrator of abuse on the state child abuse registry established  
86 pursuant to section 17a-101k is received, the commissioner may  
87 withdraw the operator's license bearing [a school] such an  
88 endorsement immediately and, in such case, shall immediately notify  
89 the holder of such license and the holder's employer, in writing, of  
90 such withdrawal. The commissioner shall not issue a temporary  
91 operator's license bearing a school endorsement or bearing the  
92 appropriate type of endorsement for operation of a student  
93 transportation vehicle.

94 (f) Any applicant who is refused an operator's license bearing an  
95 endorsement or the renewal of such a license, or whose operator's  
96 license bearing an endorsement or the renewal of such a license is  
97 withdrawn or revoked on account of a criminal record, shall be  
98 entitled to a hearing if requested in writing within twenty days. The  
99 hearing shall be conducted in accordance with the requirements of  
100 chapter 54 and the applicant may appeal from the final decision  
101 rendered therein in accordance with section 4-183.

102 (g) Notwithstanding the provisions of section 14-10, the  
103 commissioner may furnish to any board of education or to any public  
104 or private organization that is actively engaged in providing public  
105 transportation, including the transportation of school children, a report  
106 containing the names and motor vehicle operator license numbers of  
107 each person who has been issued an operator's license with one or  
108 more endorsements, authorizing such person to transport passengers  
109 in accordance with the provisions of section 14-36a, but whose license  
110 or any such endorsement has been withdrawn, suspended or revoked  
111 by the commissioner in accordance with the provisions of this section,  
112 or any other provision of this title. The report shall be issued and  
113 updated periodically in accordance with a schedule to be established  
114 by the commissioner. Such report may be transmitted or otherwise  
115 made available to authorized recipients by electronic means.

116 (h) Violation of any provision of this section shall be an infraction.

117 Sec. 2. Subsection (c) of section 14-36d of the general statutes is  
118 repealed and the following is substituted in lieu thereof (*Effective July*  
119 *1, 2007*):

120 (c) [The] Except as provided in subsection (e) of section 14-44, as  
121 amended by this act, the commissioner may issue a temporary license  
122 without a picture of the licensee to out-of-state applicants, to members  
123 of the armed forces and in such other situations as the commissioner  
124 finds necessary, provided a temporary license shall be valid only until  
125 the applicant has had time to appear and to have his picture taken and  
126 a license containing his picture issued.

127 Sec. 3. Subsection (d) of section 14-276a of the general statutes is  
128 repealed and the following is substituted in lieu thereof (*Effective July*  
129 *1, 2007*):

130 (d) A carrier shall require each person whom it intends to employ to  
131 operate a school bus, as defined in section 14-275, or a student  
132 transportation vehicle, as defined in section 14-212, to submit to a  
133 urinalysis drug test in accordance with the provisions of sections 31-  
134 51v and 31-51w or a random urinalysis drug test in accordance with  
135 the provisions of section 31-51x, as amended by this act. No carrier  
136 may employ or continue to employ any person who has received a  
137 positive test result for such test which was confirmed as provided in  
138 subdivisions (2) and (3) of section 31-51u. The commissioner may, after  
139 notice and hearing, impose a civil penalty of not more than one  
140 thousand dollars for each offense on any carrier which violates any  
141 provision of this subsection.

142 Sec. 4. Section 14-276 of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective July 1, 2007*):

144 (a) Registered school buses while transporting school children shall  
145 be operated by holders of a valid passenger and school endorsement

146 issued in accordance with section 14-44. Such endorsement shall be  
 147 held in addition to the commercial driver's license required for the  
 148 operation of such motor vehicles. A person who has attained the age of  
 149 seventy shall be allowed to hold a passenger and school endorsement  
 150 for the purpose of operating a school bus, provided he meets the  
 151 minimum physical requirements set by the Commissioner of Motor  
 152 Vehicles and agrees to submit to a physical examination at least twice a  
 153 year or when requested to do so by the superintendent of the school  
 154 system in which he intends to operate a school bus. Any person to  
 155 whom a town has awarded a contract for the transportation of school  
 156 children who permits the operation of a registered school bus while  
 157 transporting school children by any person who does not hold a  
 158 passenger and school endorsement shall be fined not less than thirty-  
 159 five dollars nor more than ninety dollars.

160 (b) No later than the fifteenth day of each month, a carrier shall  
 161 submit a list of each person whom it employs to operate a school bus,  
 162 as defined in section 14-275, or a student transportation vehicle, as  
 163 defined in section 14-212, to the Commissioner of Motor Vehicles. The  
 164 commissioner shall verify that each such person has a valid license  
 165 with the proper endorsement.

166 ~~[(b)]~~ (c) Violation of the provisions of this section shall be an  
 167 infraction.

168 Sec. 5. Subsection (b) of section 31-51x of the general statutes is  
 169 repealed and the following is substituted in lieu thereof (*Effective July*  
 170 *1, 2007*):

171 (b) Notwithstanding the provisions of subsection (a) of this section,  
 172 an employer may require an employee to submit to a urinalysis drug  
 173 test on a random basis if (1) such test is authorized under federal law,  
 174 (2) the employee serves in an occupation which has been designated as  
 175 a high-risk or safety-sensitive occupation pursuant to regulations  
 176 adopted by the Labor Commissioner pursuant to chapter 54, or is  
 177 employed to operate a school bus, as defined in section 14-275, or a

178 student transportation vehicle, as defined in section 14-212, or (3) the  
 179 urinalysis is conducted as part of an employee assistance program  
 180 sponsored or authorized by the employer in which the employee  
 181 voluntarily participates.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	14-44
Sec. 2	<i>July 1, 2007</i>	14-36d(c)
Sec. 3	<i>July 1, 2007</i>	14-276a(d)
Sec. 4	<i>July 1, 2007</i>	14-276
Sec. 5	<i>July 1, 2007</i>	31-51x(b)

***Statement of Purpose:***

To require operators of student transportation vehicles other than school buses to undergo the same criminal history background check as school bus drivers, to prohibit the issuance of temporary licenses with school endorsements that could be issued prior to the completion of criminal history records checks and to prohibit persons from operating other student transportation vehicles with a temporary license, to require that the names of those persons seeking to be licensed as school bus drivers or operators of other student transportation vehicles be checked against the state child abuse registry prior to the issuance of such licenses, to require carriers to submit monthly lists of its employees who operate school buses or other student transportation vehicles to the Department of Motor Vehicles to be checked for the continuing validity of the operators' licenses and endorsements, and to subject school bus drivers and operators of other student transportation vehicles to random drug and alcohol testing.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*